

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re: Joseph Anthony Gent, Melody Jean Gent, Debtors.	Case No. 20-40054-BDL13 CHAPTER 13 PLAN <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended
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I. Disclosure of Nonstandard Provisions and Plan's Modification of Secured Debt:

A. Does this plan contain any nonstandard provisions (check one)?

Yes

No

B. Does this plan limit the amount of a secured claim based on a valuation of the collateral for the claim (check one)?

Yes

No

C. Does this plan avoid a security interest or lien (check one)?

Yes

No

If the Debtor has either not indicated "yes" in the applicable section above or made no selection, any nonstandard provision or language in this plan purporting to limit the amount of a secured claim based on a valuation of the collateral or to avoid a security interest or lien is void. Even if the Debtor indicated "no" in Section 1.B or Section 1.C, the Debtor may seek to limit the amount of a secured claim based on a valuation of the collateral for the claim or avoid a security interest or lien through a motion or an adversary proceeding.

II. Means Test Result and Plan Duration:

The Debtor is (check one):

a below median income debtor with a 36 month applicable commitment period.

an above median income debtor with a 60 month applicable commitment period.

The plan's length shall not be less than the Debtor's applicable commitment period unless the plan either provides for payment in full of allowed unsecured claims over a shorter period or is modified post-confirmation. If the Debtor is below median income, then the plan's length shall automatically be extended up to 60 months after the first payment is due if necessary to complete the plan.

III. Plan Payments to the Trustee:

No later than 30 days after the order for relief, the Debtor shall commence making payments to the Trustee as follows:

A. AMOUNT: \$5,500 plus sale proceeds as outlined in paragraph X.G below

B. FREQUENCY (check one):

Monthly

Twice per month

Every two weeks

Weekly

C. TAX REFUNDS: The Debtor (check one):

commits all tax refunds to funding the plan. Committed refunds shall be paid in addition to the plan payment amount stated above.

does not commit all tax refunds to funding the plan.

If no selection is made, tax refunds are committed.

D. PAYMENTS: Plan payments shall be deducted from the Debtor's wages unless otherwise agreed to by the Trustee or ordered by the Court.

E. OTHER: _____

IV. Distribution of Plan Payments by the Trustee:

Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

A. ADMINISTRATIVE EXPENSES:

1. Trustee: The percentage set pursuant to 28 U.S.C. § 586(e).
2. Other administrative expenses: As allowed pursuant to 11 U.S.C. §§ 507(a)(2) or 707(b).
3. The Debtor's Attorney's Fees: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be \$4,000.00. \$ 0.00 was paid prior to filing.

Approved attorney compensation shall be paid as follows (check one):

- Prior to all creditors.
 Monthly payments of \$ _____.
 All remaining funds available after designated monthly payments to the following creditors:
Secured claims provided for in paragraph IV.C. Funds to accumulate from first Plan payment.

Other:

If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C.

B. CURRENT DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u>	<u>Monthly Amount</u>
NONE	\$ _____

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under non-bankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.

The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

1. Payments on Claims, or Non-Escrowed Post-petition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Ongoing Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>
1	\$2,187	BSI Financial Services	725 Morgan St., Vancouver, WA

Cure Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Arrears to be Cured</u>	<u>Interest Rate</u>
4	\$175 *	BSI Financial Services	725 Morgan St. Vancouver, WA	\$100,500	0%

* Plus all available funds as per paragraph X.A below.

2. Payments on Claims, or Non-Escrowed Post-petition Property Tax Holding Accounts, Secured by Real Property Other than the Debtor's Principal Residence:

Ongoing Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Interest Rate</u>
2	\$105	Clark County	Land parcel on Morgan Rd., Vancouver, WA	n/a
2	\$193	Clark County	30919 NE Springhill, Yacolt, WA	n/a
2	\$116	Clark County	30919 NE Springhill, Yacolt, WA	n/a
2	\$725	Multnomah County	6704 NE 47 th Ave., Portland, OR	n/a

Cure Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Arrears to be Cured</u>	<u>Interest Rate</u>
3	\$300 *	Clark County	Land parcel on Morgan Rd. Vancouver, WA	\$10,784	12%
3	\$300 *	Clark County	30919 NE Springhill, Yacolt, WA	\$13,123	12%
3	\$300 *	Clark County	Springhill Acreage, Yacolt, WA	\$8,253	12%
3	\$300 *	Multnomah County	6704 NE 47 th Ave., Portland, OR	\$75,056	16%

* Plus all available funds as per paragraph X.A below.

3. Payments on Claims Secured by Personal Property:

a. 910 Collateral:

The Trustee shall pay the contract balance stated in the allowed proof of claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the Debtor within 910 days preceding the filing date of the petition or in other personal property acquired within one year preceding the filing date of the petition as specified below. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Pre-Confirmation Adequate Protection Monthly Payment</u>	<u>Interest Rate</u>
—	\$ —	NONE	—	\$ —	%

b. Non-910 Collateral:

The Trustee shall pay the value of collateral stated in the proof of claim, unless otherwise provided in Section X or ordered following a timely objection to a proof of claim or in an adversary proceeding, for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection

Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Debtor's Value of Collateral</u>	<u>Collateral</u>	<u>Pre-Confirmation Adequate Protection Monthly Payment</u>	<u>Interest Rate</u>
—	\$ _____	NONE	_____	\$ _____	\$ _____	_____%

D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 U.S.C. § 507(a).

E. NONPRIORITY UNSECURED CLAIMS: No funds shall be paid to nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due. The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

100%
____ At least \$ _____.

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

<u>Rank</u>	<u>Creditor</u>	<u>Amount of Claim</u>	<u>Percentage To be Paid</u>	<u>Reason for Special Classification</u>
—	NONE	\$ _____	_____%	_____

V. Direct Payments to be made by the Debtor and not by the Trustee:

The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u>	<u>Current Monthly Support Obligation</u>	<u>Monthly Arrearage Payment</u>
NONE _____	\$ _____	\$ _____

B. OTHER DIRECT PAYMENTS:

<u>Creditor</u>	<u>Nature of Debt</u>	<u>Amount of Claim</u>	<u>Monthly Payment</u>
James Tabler	Mortgage (6704 NE 47 th)	\$54,000	\$540

VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation. The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

<u>Creditor</u>	<u>Property to be Surrendered</u>
NONE	_____

VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C. §365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

<u>Contract/Lease</u>	<u>Assumed or Rejected</u>
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NONE

VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

IX. Liquidation Analysis Pursuant to 11 U.S.C. § 1325(a)(4):

The liquidation value of the estate is \$solvent estate - see paragraph X.H . To obtain a discharge, the Debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 U.S.C. §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of 2% per annum from the petition date (no interest shall be paid if left blank).

X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

- A. In addition to equal monthly payments pursuant to ¶IV.C. Clark County (3 claims), Multnomah County, and BSI Financial shall receive all available funds after attorney fees and administrative expenses in order of rank prior to any payment to priority or unsecured creditors.
- B. Debtor anticipates plan will run approximately 36 months.
- C. The mortgage payment set forth in ¶IV.C.1. shall begin with the trustee's regular disbursement for February, 2020 and shall be applied by BSI Financial as the payment due on March 1, 2020. Mortgage payments due prior to March 1, 2020 shall be added to the pre-petition arrearage and paid as per ¶IV.C.1.
- D. The balance of the filing fee, \$210, shall be paid from the plan payments prior to all creditors other than the trustee's administrative fees.
- E. Any claim filed by a mortgage creditor for post-petition fees shall be paid from available funds only after all attorney fees have been paid in full.
- F. Section III.C is modified as follows: Debtor shall pay into the plan each year any tax refund received to the extent the refund exceeds \$2,500. Such tax refund payments are in addition to the regular monthly plan payments stated in ¶III.A above.
- G. Section VIII is modified as follows: Debtors shall sell or refinance their real property at 6704 NE 47th Ave., Portland, OR by January 31, 2023 and shall pay directly from closing, funds sufficient to pay all creditors secured by the subject property remaining in the plan. Secured creditors are BSI Financial, City of Portland, and Multnomah County. Debtors shall also pay to the chapter 13 trustee for distribution through the Plan, non-exempt proceeds to the extent required by the chapter 13 trustee's payoff quote to pay all allowed claims in full (100%). The debtors shall obtain the chapter 13 trustee's approval prior to any sale or refinance and to obtain that approval, provide copies to the chapter 13 trustee of a preliminary closing statement and title report. If the debtors receive the chapter 13 trustee's approval, the debtors do not need to also obtain a court order authorizing the sale due to the confirmation of this plan. If the chapter 13 trustee denies the debtors' request to sell or refinance, the debtor is not precluded from submitting the request to the court. The debtors shall provide the chapter 13 trustee with a copy of the final closing statement within 15 days following the close of the sale or refinance.
- H. Section IX is modified as follows: Due to the equity in Debtors' real property, the liquidation value for plan paragraph IX would be sufficient to pay all claims in full. Debtors shall pay into the plan any non-exempt portion of the tax refunds / proceeds from claims listed on Schedule B upon receipt.

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

/s/ Todd Trierweiler 27845 Attorney for Debtors	/s/ Joseph Anthohy Gent DEBTOR	1/20/2020 Date
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1/20/2020 /s/ Melody Jean Gent 1/20/2020
Date DEBTOR Date

Todd Trierweiler WSB 27845
4721 NE 102nd Avenue
Portland, OR 97220
503-253-7777

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that on January 21, 2020, I mailed a true and correct copy of Chapter 13 Plan, certified as such by me, either electronically or in a sealed envelope, with postage prepaid, deposited in the post office in Portland, Oregon addressed to the following:

Joseph A. Gent
Melody Jean Gent
725 SE Morgan Rd.
Vancouver WA 98664

All creditors on the attached mailing matrix

The following parties were served electronically:

Michael G Malaier, Chapter 13 Trustee
Tacoma, WA

US Trustee
Seattle, WA

DATED: January 21, 2020

/s/ Todd Trierweiler
for
Todd Trierweiler WSB #27845
ATTORNEY FOR DEBTOR

Label Matrix for local noticing
0981-3
Case 20-40054-BDL
Western District of Washington
Tacoma
Mon Jan 13 15:50:15 PST 2020

BSI Financial Services
POB 517
Titusville PA 16354-0517

U.S. Bankruptcy Court
1717 Pacific Avenue
Suite 2100
Tacoma, WA 98402-3233

Asset Acceptance, LLC
c/o Corporation Service Co. RA
1127 Broadway St. NE
Suite 310
Salem OR 97301-1139

Bank of America
POB 851001
Dallas TX 75285-1001

Cach LLC / Collect America
4340 D Monaco St.
2nd Flr.
Denver CO 80237

Chase Bank
POB 94014
Palatine IL 60094-4014

Citibank / Citicards CBNA
701 E. 60th St. N.
Sioux Falls SD 57104-0493

(p)CITY OF PORTLAND
OFFICE OF CITY ATTORNEY
RM 430
1221 SW 4TH AVE
PORTLAND OR 97204-1991

Clark County District Court
No. 142040150
1200 Franklin St.
Vancouver WA 98660-2812

Clark County Superior Court
No. 122047506
1200 Franklin St.
Vancouver WA 98660-2812

Clark County Superior Court
No. 14-9-04704-4
1200 Franklin St.
Vancouver WA 98660-2812

Clark County Superior Court
No. 1420404850
1200 Franklin St.
Vancouver WA 98660-2812

Clark County Tax Collector
POB 9808
Vancouver WA 98666-8808

Clark County Treasurer
1300 Franklin St.
Second Floor
Vancouver WA 98660-2865

Estate of Dorothy Beardshear
c/o Nancy Chappell, Executor
POB 542
Washougal WA 98671-0542

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Fairfield Acceptance
10750 W. Charleston
Suite 130
Las Vegas NV 89135-1049

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

IRS-Insolvency Unit
POB 7346
Philadelphia PA 19101-7346

JP Morgan Chase & Co.
CT Corporation System, RA
505 Union Ave. SE, #120
Olympia WA 98501-1474

JP Morgan Chase Bank, NA
270 Park Ave.
New York NY 10017-7924

James Tabler
8928 NW 8th Way
Camas WA 98607

Justin LeBrun
No. 18CV57366
c/o 5200 SW Macadam Ave., #500
Portland OR 97239-3806

Lotus Law Group
No. 18CV57366
5200 SW Macadam Ave., #500
Portland OR 97239-3806

Michael Terepka
No. 18CV57366
c/o 5200 SW Macadam Ave., #500
Portland OR 97239-3806

Michelle R. Ghidotti, Esq
as Successor Trustee
No. 19-2596
Seattle WA 98115-2061

Michelle R. Ghidotti, Esq
c/o Gary Krohn, Reg. Agent
No. 19-2596
9725 3rd Ave. NE, #600
Seattle WA 98115-2061

Midland Credit Management
8875 Aero Drive, Suite 200
San Diego CA 92123-2255

Midland Funding LLC
8875 Aero Dr., Ste. 200
San Diego CA 92123-2255

Multnomah County Circuit Court
No. 18CV57366
1021 SW 4th Ave
Portland OR 97204-1113

Multnomah County Property Tax
Assessment and Collections
PO Box 2716
Portland OR 97208-2716

ODR-Bankruptcy
955 Center St., NE, #353
Salem OR 97310-0001

Peace Health Medical Group
1115 SE 164th Ave., Department
Vancouver WA 98683-9324

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Southwest Environmental Agency
11815 NE 99th St.
Suite 129
Vancouver WA 98682-2394

Tracy Reeve, City Attorney
City of Portland
1221 SW 4th Ave., Suite 430
Portland OR 97204-1900

US Bancorp Center
800 Nicollet Mall
Minneapolis MN 55402-2511

United States Trustee
700 Stewart St Ste 5103
Seattle, WA 98101-4438

Wyndham Vacation Resorts
POB 150
Scottsdale AZ 85252-0106

Joseph Anthony Gent
725 SE Morgan Rd.
Vancouver, WA 98664-1759

Melody Jean Gent
725 SE Morgan Rd.
Vancouver, WA 98664-1759

Michael G. Malaier
2122 Commerce Street
Tacoma, WA 98402-3002

Todd Trierweiler
Todd Trierweiler & Associates
4721 NE 102nd Ave
Portland, OR 97220-3339

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

City of Portland
Office of Management & Finance
License & Tax Division
111 SW Columbia St., Suite 600
Portland OR 97201-5840

(d) City of Portland
Office of Management & Finance
POB 8834
Portland OR 97207

(d) City of Portland
Revenue Bureau - Liens Section
POB 8834
Portland OR 97207

(d) City of Portland
c/o Tracy Reeve, City Attorney
1221 SW 4th Ave., Suite 430
Portland OR 97204

FIA Card Services
POB 982238
El Paso TX 79998-2238

IRS
Special Procedures
915 2nd Ave. M/S 244
Seattle WA 98174

Portfolio Recovery Assoc.
POB 12914
Norfolk VA 23541

(d) Portfolio Recovery Associates
120 Corporate Blvd., #100
Norfolk VA 23502

(d) Portfolio Recovery Associates,
120 Corporate Blvd., #100
Norfolk VA 23502

End of Label Matrix
Mailable recipients 43
Bypassed recipients 0
Total 43